

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/923,536

REMARKS

Claims 1-13 are all the claims pending in the application. This Amendment amends claims 1, 7, and 11, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

I. Formal Matters

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statements filed on August 8, 2001, September 21, 2001, and July 22, 2002. However, Applicant notes that the Examiner did not acknowledge the reference cited in the Information Disclosure Statement filed on **July 3, 2003**. Applicant respectfully requests an initialed copy of the Form PTO-1449 to confirm that the Examiner has considered the listed document.

Applicant respectfully requests that the Examiner acknowledge the listed reference by providing the Applicant with a copy of Form-1449 of the Information Disclosure Statement with his initials next to each reference considered.

Additionally, Applicant thanks the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119(a)-(d) and for confirming that the certified copies of the priority documents have been received.

II. Claims

A. Rejections under § 112. Claims 1, 7, and 11 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly

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claim the subject matter which Applicant regards as the invention. Applicant amends claims 1, 7, and 11, in order to more clearly recite the invention. As amended, claims 1, 7, and 11 are believed to overcome any indefiniteness under 35 U.S.C. § 112, second paragraph. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

B. Rejections under § 102. Claims 1-4, 6-7, and 9-13 stand rejected under 35 U.S.C. § 102 as being anticipated by Joao (U.S. Patent No. 5,903,830, hereinafter “Joao”). Applicant respectfully traverses the grounds of the § 102(b) rejection for the reasons set forth below.

To be an anticipation rejection under 35 U.S.C. § 102(b), the reference must teach every element and recitation of the Applicant’s claims. However, Joao fails to disclose at least the following limitations:

Claim 1: A card verification system comprising: ...a verification apparatus configured to verify said card only when a place in which said read unit is located corresponds to said card identification code.

Claim 7: A card verification method using a card verification system which comprises ... a verification apparatus which verifies said card only when a place in which said read unit is located corresponds to said card identification code, said method comprising: ...determining whether or not said place of said read unit corresponds to said identification code ; when said place of said read unit does not correspond to said identification code, prohibiting settlement.

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Claim 9: A card verification method comprising: ...verifying the card only when a location of the read unit corresponds to the identification code area.

Claim 11: A card verification system, comprising: ... a verification module configured to receive over a telecommunication network the place and the identification code of the card from said position registering module, and further configured to verify the card read by a card reader requesting card verification only if a location of the card reader corresponds to the identification code of the card.

Applicant's claimed invention requires a verification apparatus configured to verify the card only when the read unit is located in a place corresponding to the identification code. The apparatus of Joao does not disclose the verification apparatus of the claimed invention. In Joao, the information transmitted to the communication device includes data identifying the transaction and may include the account number and the location of the transaction, etc. (*see, col. 26, ln. 30-35, Joao*). According to Joao, the apparatus waits for the owner to respond to the transmission and, if it is determined that the account owner's reply was not made within a pre specified time, then the transaction will be canceled (*see, col. 27, ln. 13-24, Joao*) and verification will not be made. It is clear that Joao does not suggest verifying a card based on the correspondence between the place of the card reader and the identification code of the card.

Therefore, for at least the reasons set forth above, Applicant submits that the applied reference fails to disclose each limitation of independent claims 1, 7, 9, and 11, as set forth by the present application. Reconsideration and withdrawal of the rejection under § 102(b) are

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respectfully requested. Further, Applicant as claims 2-4, 6, 10, and 12-13 depend on these independent claims, Applicant submits that these claims are also not anticipated at least by virtue of their dependence.

C. Rejections under § 103. Claims 5 and 8 are rejected under 35 U.S.C. § 103 as being unpatentable over Joao. Applicant submits that Joao does not suggest the features discussed above with regard to claims 1 and 7, nor is there any suggestion of desirability to modify Joao so as to include each of these features. Therefore, at least since claims 5 and 8 depend upon claims 1 and 7, respectively, Applicant submits that claims 5 and 8 are patentable. Reconsideration and withdrawal of the rejection under § 103(a) are respectfully requested.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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